

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLAN ROBERT GOODMAN,

Plaintiff(s),

v.

KILOLO KIJAKAZI,

Defendant(s).

Case No. 2:22-cv-00300-NJK

ORDER

[Docket No. 16]

Pending before the Court is a stipulation to award Plaintiff attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"). Docket No. 16.

The Court has an independent obligation to consider the reasonableness of the amount of fees sought under the EAJA regardless of whether the request is opposed. *Douzat v. Saul*, 2020 WL 3408706, at *1 (D. Nev. June 11, 2020) (collecting cases). Fees awarded under the EAJA are determined based on the lodestar approach, except that the hourly rates are capped unless the Court in its discretion determines otherwise. *See Costa v. Comm'r of Soc. Sec. Admin.*, 690 F.3d 1132, 1135 (9th Cir. 2012); *see also* 28 U.S.C. § 2412(d)(2)(A). Hence, a review of a fee request requires appropriate documentation to conduct the lodestar analysis, along with a showing regarding the hourly rates sought to the extent they exceed the cap imposed by Congress. *See, e.g., Douzat*, 2020 WL 3408706, at *2-4. When such information has not been provided, the fee request may be denied without prejudice so that such information can be presented to the Court in a renewed request. *See Fischer v. SJB-P.D., Inc.*, 214 F.3d 1115, 1121 (9th Cir. 2000).¹

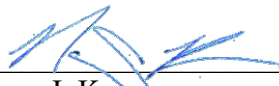
¹ The Court in its discretion may also "simply reduce[] the fee to a reasonable amount" when it is not provided appropriate documentation. *Id.* Although the Court is providing a further opportunity to support the fee request with appropriate documentation by issuing this order, it may not do so again in the event any renewed request is not sufficiently supported.

1 The instant stipulation does not identify the hours expended by counsel,² does not identify
2 the hourly rate being sought, and does not provide documentation or argument supporting the
3 reasonableness of either. The stipulation similarly fails to provide any supporting information or
4 argument as to the costs that Plaintiff seeks to recover.

5 Accordingly, the stipulation is **DENIED** without prejudice. Any renewed request must
6 include appropriate paperwork as to the hours worked and the rates being sought, as well as
7 meaningful discussion on the reasonableness of both. Any renewed request must be filed by July
8 6, 2022.

9 IT IS SO ORDERED

10 Dated: June 22, 2022

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13 Nancy J. Koppe
14 United States Magistrate Judge
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28 ² The stipulation indicates that an exhibit was attached with counsel's itemized hours,
Docket No. 16 at 4, but no such exhibit was provided.